IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 8TH JANUARY 2007 / 18TH PAUSHA 1928

WP(C).No. 32101 of 2006(V)

PETITIONER:

JILL MATHEW, D/O.K.M. MATHEW,
KULATHAPPALLIL, KADAKKAD, PANDALAM.

BY ADV. SRI.S.MUHAMMED HANEEFF

RESPONDENTS:

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1. THE SUB INSPECTOR OF POLICE,
KULATHUPUZHA POLICE STATION,
KULATHUPUZHA.

2. SUPERINTENDENT OF POLICE,
KOLLAM DISTRICT, KOLLAM.

BY GOVERNMENT PLEADER SRI.K.A. AKBAR
DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR
SRI.M.R.JAYAPRASAD
SRI.K.K.RAJEEV

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

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W.P.C.No. 32101 of 2006 V

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Dated this the 8th day of January, 2007

JUDGMENT

The grievance of the petitioner is that no proper investigation has been conducted into Ext.P1 complaint lodged by her before the police. In Ext.P2 F.I.R. registered the allegations in Ext.P1 are not shown and only lesser allegations are incorporated. Even though Ext.P3 petition was filed, no proper investigation is being conducted. This in short is the grievance raised. It is prayed that directions under Section 482 Cr.P.C. may be issued.

2. The learned Prosecutor, on instructions, submits that Ext.P1 complaint was never received by the police. The F.I.R. was registered on the basis of a statement given by the petitioner. The petitioner is a medical student. The respondent, her husband, is a medical practitioner. There is nothing to assume that Ext.P2 F.I. statement was lodged by her not voluntarily and there is any suppression in Ext.P2. The needful is being done. Investigation is in progress. The investigation shall be completed in accordance with law and appropriate final report submitted to court, submits the

learned Public Prosecutor. The case diary has also been placed before me for my perusal.

3. Having considered all the relevant inputs, I am not persuaded to agree that any directions can, need or ought to be issued under Section 482 Cr.P.C. It is conceded that Ext.P3 petition has been received by the Investigating Officer. Needless to say, the Investigating Officer shall conduct the investigation taking due notice of Ext.P3 complaint filed by the petitioner before him.

4. This writ petition is hence dismissed, but with the above observations.

(R. BASANT)
Judge

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